

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 30, 2009

DIVISION ONE

B208402 Assoc. of Calif. Insurance Companies, et al. (Certified for Publication)
v.
Poizner, et al.

The judgment and the order are affirmed. All respondents are entitled to their costs on appeal from appellants.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

B220160 Professional Interactive Entertainment Inc., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Shapiro et al., r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to vacate its order of October 1, 2009, setting an Order to Show Cause re Contempt hearing, in Los Angeles Superior Court case No. BC394598, entitled Jay Shapiro et al.v. Professional Interactive Entertainment, Inc., et al. The temporary stay order is hereby terminated. All parties shall bear their own costs.

Mallano, P.J. Rothschild, J. Johnson, J.

December 30, 2009 (Continued)

DIVISION ONE (continued)

B210530 People (Not for Publication)
v.
Parnell

The trial court is directed to stay the sentences on counts 1, 2, 3, 4, 5, and 6, pursuant to section 654. The abstract of judgment shall be corrected to reflect the two- year term imposed by the trial court on count 5. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Mallano, P.J.
 Rothschild, J.

B217923 Los Angeles County, D.C.F.S. (Not for Publication)
v.
The Superior Court of Los Angeles County
C.V.

B217981 Z.R. (Not for Publication)
v.
The Superior Court of Los Angeles County
Los Angeles County, D.C.F.S.

The petitions for writ of mandate of Z.R. and DCFS are granted. The juvenile court's July 29, 2009 order dismissing the Welfare and Institutions Code section 300 petition is vacated. The matter is remanded to that court with directions to re-detain Z.R., and to conduct an adjudication hearing on the merits of the Welfare and Institutions Code section 300 petition.

Johnson, J.

I concur: Mallano, P.J.
I dissent: Rothschild, J. (Opinion)

DIVISION ONE (continued)

B207755 Lohman
 v.
 Ephraim

(Not for Publication)

The judgment is affirmed as to Lohman's cause of action for interference with contract and reversed as to his causes of action for intentional and negligent interference with prospective economic advantage. Each party is to bear its own costs on appeal.

Chaney, J.

I concur: Johnson, J.
I concur & dissent: Rothschild, Acting P.J. (Opinion)

B186073 People v. Cruz (Not for Publication)

The 5-year term imposed in count 3 is stricken. The trial court is directed to issue an amended abstract of judgment incorporating the following corrections: (1) eliminating the 5-year base term for count 3 and reflecting that the term of 15 years to life under authority of Penal Code section 186.22, subdivision (b)(4)(B) is the base term for count 3, not an enhancement; (2) modifying the degree of robbery in count 1 from first degree to second degree; and (3) removing the Penal Code section 12022.53 enhancement for count 1. In all other respects, the judgment is affirmed.

Mallano, P.J.

I concur: Rothschild, J.

DIVISION ONE (continued)

B217590 People v. Blajos (Not for Publication)

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Chaney, J.

DIVISION THREE

B208829 In re Carl Henderson (Not for Publication)
on
Habeas Corpus

The order of the superior court, dated June 9, 2008, granting Henderson's petition for a writ of habeas corpus is affirmed and our stay of that order is lifted. The Governor's decision to reverse the Board's grant of parole to Henderson is vacated, and the Board's parole release order is reinstated. In the interests of justice, this opinion is made final as to this court immediately upon its filing. (In re Dannenberg, *supra*, 173 Cal.App.4th at p. 257.)

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B213822 Los Angeles County, D.C.F.S. (Not for Publication)
v.
A.S.

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FIVE

B206620 People (Not for Publication)
v.
John Alcantara

The parole revocation fine imposed pursuant to Penal Code section 1202.45 is stricken. The restitution fine is vacated and this matter is remanded for a restitution hearing as described in this opinion. The judgment is affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B214370 People (Not for Publication)
v.
Martinez

The order revoking probation is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

December 30, 2009 (Continued)

DIVISION SIX (continued)

B217237 People (Not for Publication)
v.
Hill

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B213788 Fabricante Development, Inc. (Not for Publication)
v.
City of Oxnard

The judgment (order granting summary adjudication and sustaining demurrer without leave to amend) is affirmed. Costs on appeal are awarded to respondent City of Oxnard.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B208894 People (Not for Publication)
v.
Chandler

The judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

DIVISION SEVEN (continued)

B212934 Swain (Not for Publication)
v.
Wright

The judgment of the Superior Court is reversed, and the matter is remanded for a determination of whether Swain is entitled to specific performance of the contract, and to make a determination of damages based on that finding; furthermore, the court is also to award prejudgment interest and attorneys' fees as appropriate.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

B209328 People (Not for Publication)
v.
Simmons

The judgment is modified to stay the sentence enhancement imposed on count 2 under Penal Code section 12022.7, subdivision (e). The clerk of the superior court is then directed to prepare a corrected abstract of judgment and to forward a certified copy of the abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION EIGHT

B204860 Tayarie Trayshaun Baker, et al., (Not for Publication)
 v.
 National Interstate Insurance Company, et al.

The judgment is reversed. The cause is remanded to the trial court with directions to vacate its order denying American's motion for summary judgment, and to enter a new and different order granting the motion, and thereafter to enter summary judgment in favor of American. The parties are to bear their own costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B214243 Young Lee, et al. (Not for Publication)
 v.
 Seung Tchul Ahn, et al.

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, Acting P.J.

We concur: Bigelow, J.
 Mohr, J. (Assigned)

B211269 People
 v.
 Arthur Bonner

Filed order denying petition for rehearing.

B205856 Daniela Biscaro
 v.
 Marc Gregory Stern

Filed order certifying opinion for publication.